

JUDITH HACKITT CBE, HSE CHAIR

RoSPA 'DEVELOPING LEADERSHIP ACTION' CONFERENCE AT THE NEC, BIRMINGHAM ON 13 MAY 2008

OPENING - SLIDE (1)

Good morning.

Thank you to RoSPA for the invitation to give the keynote address at the start of this conference.

I am delighted to be here and to be speaking to you on the subject of Health and Safety Leadership and Effective Organisations. I succeeded Sir Bill Callaghan as Chair of the Health and Safety Commission on 1st October last year and in my first 7 months in the role we have seen the Health and Safety Commission and Executive come together to form the new Health and Safety Executive with a unitary board of non-Executives which I now Chair.

I have made numerous public presentations to a wide variety of audiences and there are some clear themes and patterns to the hot topics – of which one is the need for real Leadership to deliver Health and Safety. Given the track record of RoSPA and many of the organisations present at this conference I know that I am speaking to friends who share many of HSE's values and principles.

However, given the nature of many of the discussions which I have taken part in over the last 7 months I think it is important for me to start by making some clear statements about what HSE is about and what it is not about.

MYTHS - SLIDE (2)

At Christmas we produced and distributed a humorous calendar covering some of the myths which proliferate about health and safety. But there is a very serious point to this which we must continue to challenge. Those who hide behind health and safety as an excuse for not doing things are causing the brand and a very important subject to be seriously devalued.

Health and Safety is about saving lives and stopping people getting injured or sick at work. It isn't about banning conkers, pancake races, flying competitions in Bognor or burying people in reams of paperwork. I know that you know that, and I am also very grateful for the support of RoSPA and other organisations in dispelling many of these myths.

We must continue our efforts to dispel these nonsense stories if we are to win hearts and minds on the real health and safety agenda.

MORE MYTHS - SLIDE (3)

But there are other myths about health and safety which many who are closer to the debate continue to believe and espouse.

There are many who believe that there is a compelling case for new legislation to place specific duties on directors in relation to health and safety which would result in much heavier fines and even custodial sentences when serious injuries and/or fatalities occur. It is a matter of much debate the extent to which directors deliberately overlook/ignore their responsibilities versus those who want to do the right thing but need further help and guidance to determine how to do those right things. In October last year HSE and IoD jointly produced new guidance on directors' duties to address this need but it now remains to be seen whether this is enough to bring about the widespread change in behaviour at director level which is needed. I will return to this subject later.

It is also a popular misconception that the solution to reducing GB's annual 240 workplace fatalities, 140,000 serious injuries and more than 2 million people with illnesses caused by work is to dramatically increase HSE's resources, placing many more inspectors on the ground. It's not entirely clear to me whether this is based on the assumption that it is HSE's job to manage safety in every workplace or that dutyholders will only do their job if they live in fear of being inspected and/or prosecuted. I don't subscribe to either of these assumptions.

We also hear, particularly from smaller business communities that HSE must do more to tell them in a very prescriptive way what must be done to comply. But even if we had unlimited resource we could not and should not do that because we are not expert in the risks in every business and it is wrong to take that important responsibility away from the dutyholder – to think about his/her own business.

The more we allow ourselves to get diverted into the prescriptive approach the more we risk reinforcing the notion that Health and Safety is about paperwork, bureaucracy, box ticking and not about getting the job done safely – which is what we are all about in reality.

THE REALITY – SLIDE (4)

It may sound strange to hear this from the regulator but I fundamentally believe that real health and safety culture in any organisation can only happen if the people at the top of the organisation believe it is the right thing to do – right on moral grounds – every employee should be able to come to work and feel safe from injury and damage to their health because of the job they are required to do. It is also the right thing to do to ensure that your business or organisation is successful. Anyone who has experienced the trauma and disruption of a major accident or incident in their workplace can tell you that the damage extends far beyond the list of casualties. The business itself is disrupted, the reputation of the organisation suffers serious damage.

There is a wealth of evidence from case studies that businesses and organisations who really commit to health and safety are also successful financially and earn good reputations with their employees and their stakeholders.

How do I know this? Because I've experienced it myself. I know what it means to work in an organisation which has a real top to bottom safety culture, where everything including pay and career progression are linked to delivery on health and safety as a fundamental and integral part of being a good manager and a strong leader.

ENABLING vs IMPEDING – SLIDE (5)

In the 20+ years when I was involved myself in running chemical manufacturing operations, I lost count of the number of times people asked me to make a choice “What do you want – production or safety?” There is only one answer you can ever give to that question – there is no choice, you want both and the two go together not oppose or trade off against one another.

Risk assessments in particular have become synonymous with bureaucracy getting in the way of getting the job done – but they don't have to – in fact they shouldn't. When I left home this morning I took a decision as to whether to bring my coat and my umbrella – that was a risk assessment. But I didn't write it down and it certainly didn't stop me from leaving the house.

Whilst this may seem like a trivial example, it isn't because it illustrates the fundamental point that risk assessments have to be fit for purpose – which means they have to be good enough to assess the risk, they have to be useful and they have to be done in a way that is appropriate for the task in hand and the circumstances.

It is patently impractical, even ridiculous to suggest that people in our emergency services must stop and complete a paper risk assessment before stepping in to save/protect the lives of others but it is not unreasonable to expect that someone will have conducted an assessment of the types of risks people in such circumstances are likely to encounter and to have thought about what reasonable steps can be taken to protect employees from those risks. The more risks are foreseen and sensible measures are put in place ahead of events the more efficient and effective everyone can be in their work – and that applies in every workplace without exception.

REASONABLE – SLIDE (6)

Health and Safety is not about eliminating all risk, neither is it about putting in place every precaution possible regardless of cost. The principle of reasonable practicability was enshrined in our legislation in 1974 and it is still there and applies today. As a regulator we understand that every business and organisation is under conflicting pressures. Resources and time are limited and many of you operate in a competitive world.

It is also the case that the nature of risks will vary enormously from one organisation to another. A one-size fits all approach to health and safety will never work – it must be customised, appropriate and relevant.

Falls from height are much less likely in an office than on a building site, stress is a big issue for teachers but so are slips, trips and falls and threats of violence and bullying; in many sectors road safety on company business may be one of the biggest risks you face with your workforce.

It is for the leaders – the Board and the Directors to think about their organisation and their risks and put measures in place to deal with those risks.

It is also important for others to take the lead in areas of safety such as promoting home safety and road safety. RoSPA performs a key role in many of these important areas.

CLARITY OF ROLES – SLIDE (7)

Clarity of roles and responsibilities is an important element in establishing an effective framework for tackling all aspects of health and safety in Great Britain. I will say more about the role of the regulator in a moment and also about Leadership by managers and directors and workforce involvement.

But let me just take a moment here to recognise the important role played by RoSPA

- through its campaigning which has led to important changes in the law on mobile phones and seat belts on road safety and measures to control water temperatures in places taking care of the elderly and vulnerable.
- I also applaud the important work done by RoSPA in educating children and young people in health and safety and risk.
- I was delighted to visit the Lifeskills centre in Bristol recently and saw children learning first hand how to spot risk, what to do about it and how to live life in a real and dangerous world. What an important lesson which is vital in preparing them for life and for the world of work.

It would be impossible for HSE to cover all of the Health and Safety issues that some would like us to cover. We are very happy for other respected and competent organisations to take the lead and these are excellent examples of that being done extremely well.

ENFORCEMENT – SLIDE (8)

Earlier, I warned against the climate of fear approach to health and safety but it will always be an important part of HSE's role to enforce where that is necessary and appropriate. There will always be some who will fail to meet their legal obligations whether by deliberately ignoring them or an unintended

omission. It is right and proper that this is addressed via the judicial process to enable justice for those who have suffered and to provide an important message to others.

But it is also important to maintain a balance between HSE's role in providing guidance and support and assistance in understanding what is required as well as taking firm and decisive enforcement action when required.

It should also be very clear that to maintain the appropriate balance as a regulator, and to perform our role, as we do, through inspection and audit which is by definition a sampling process – it is not our role or responsibility to manage or to ensure safety in workplaces. That responsibility rests clearly with those who create the risk – the dutyholders, the employers.

WORKFORCE – SLIDE (9)

But you do not carry that burden alone. Some of that responsibility is shared with your workforce who need to be properly engaged and involved.

Having first bought into doing health and safety because it is the right thing to do, it is then essential to convey that message through your actions by engaging and involving the workforce. There are many good reasons to do it – they know what the problems are – very often they also know simple practical ways to solve things.

In the world of work as it exists today it is sometimes easy to forget the important functions and people which are providing services to your organisation through outsourcing or by contract. It is a mistake to forget them or to treat them as being less important than your own workforce. Treat them equally and involve them too.

Again the evidence to back up this approach as a sound business strategy is clear. Businesses who do workforce/employee involvement well see huge benefits in reduced accidents, reduced sickness and in greater commitment, motivation and productivity.

SAFETY PROFESSIONALS – SLIDE (10)

The important role played by safety professionals in any organisation must also be recognised. Competent professional advice and guidance on what an organisation's obligations are and how to address them is vital to any Board of senior executives. But there is a clear distinction between the need for competent advice and guidance and responsibility which cannot be devolved or passed on. Responsibility for H&S stays very clearly with those who lead and manage the organisation – not with the health and safety manager/adviser.

Competence of health and safety advice should be measured not only in knowledge but also in ability to provide that proportionate and relevant advice which I mentioned earlier that keeps health and safety real not turning it into a bureaucratic paper process.

LEADERSHIP – SLIDE (11)

And so to the role of the leader – the people at the top of the organisation who must lead by example and create this all-important H&S culture.

- Doing that requires many things to be done and to be seen to be done.
- Setting direction for the organisation – clearly laid out and well communicated.
- Challenging the organisation to deliver not simply assuming that it will be done because you have pronounced.
- Don't leave it to others to assess the risks – you should not only be aware of but have agreed the priority risks in your organisation.
- Don't try to manage the process from the boardroom – reports may not tell you what you need to know – how do you find out for yourself and check what is really happening in practice?

The supporting systems in your organisation including pay and progression must reinforce the importance you attach to health and safety management.

HSE/loD GUIDANCE – SLIDE (12)

I mentioned earlier that back in October we launched with loD new guidance on Directors' duties. We were delighted to work with loD and the product reflects the benefits of working with an organisation which was able to speak the language of the intended audience. Guidance written by directors for directors.

I cannot stress enough how important it is for you to read the guidance and take action. It is a practical guide on what to do and is intended for you to use to benchmark your organisation. We in HSE will certainly be using it as part of our processes during inspections and investigations to benchmark organisations.

SLIDE (13)

The questions may seem simple but there is a good deal behind them. They are general by design, but it is for you to assess how these apply in your business/organisation. Only you know what the real vulnerabilities are, whether too much resource is being devoted to small risks and if potentially major, even catastrophic risks are being overlooked.

SLIDE (14)

The guidance also makes clear that setting direction is not enough – there must be systems in place to provide assurance and that needs to be real assurance not a false sense of security.

Again, creating the right culture in your organisation will play a critical part – everyone must feel that it is OK to flag up genuine concerns and that potential problems will be addressed not treated as bad news.

SLIDE (15)

Remember also that the agenda covers safety and health. The management processes and reporting systems for safety are well established and, by and large, incident/event related. Health requires different systems and different approaches. There are boundaries to be managed and considered between work and non-work. Stress is a good example of where the cause may or may not be work-related but the performance of the employee in the workplace will be impacted regardless of that. Stressed employees are much more likely to hurt themselves or others through carelessness or lack of attention in the workplace and when driving to and from or for work.

SLIDE (16)

So health and safety leadership really is about good, integrated governance. It cannot and should not be addressed as an add-on. It is about visible action not words and it is about stewardship. It is also a continuous process. The risks and the risk profiles of your organisation will change over time. This is not an exercise which can be done once and then forgotten – it requires constant and regular attention by the Board. Systems and performance indicators will need to be changed and adapted as the risk profile of your business changes – this is and always will be a dynamic process which needs to be managed as an integral part of running a successful organisation.

SLIDE (17)

In conclusion then. Real leadership from the top of every organisation is essential to create and maintain a real and lasting health and safety culture. Leadership is about walking the talk, being visible, finding out for yourself what the reality is and have management systems in place which reinforce your message by rewarding the right behaviours at every level.

The motivation for building a health and safety culture needs to be driven by the belief that not only is it the right thing to do morally but also that it is fundamental to the business success of your organisation. Compliance is important of course, but it is the minimum you need to do and not the reason for doing it. Your leadership is also essential in determining what the risks are in your organisation and in deciding on an appropriate and proportionate regime to address those risks. It must be about determining and doing the right things for the right reasons.

Understanding of the respective roles which we all have in delivering health and safety performance is vital – given the breadth of the agenda to be covered, the need to maximise the resource involved and to ensure that we can work together. We all have to lead and we all need to ensure that our efforts are well orchestrated and harmonised.

SLIDE (18)

Ladies and Gentlemen, it only remains for me to thank RoSPA for the opportunity to address you at the start of this conference. I am delighted that RoSPA has chosen the theme of 'Developing Leadership Action' for this year's event. I hope that I have been able to provide some food for thought and to provide some insight from the regulator's perspective. Thank you for listening and I wish you all a very successful and worthwhile conference.

Thank you.